

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SON PHAM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. C16-974RSL

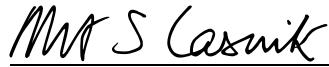
ORDER GRANTING MOTION
TO VACATE, SET ASIDE, OR
CORRECT A SENTENCE BY A
PERSON IN FEDERAL CUSTODY

This matter comes before the Court on petitioner's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody." Dkt. # 1. In March 2014, petitioner was sentenced to 72 months' imprisonment for violating 18 U.S.C. § 924(c). This sentence was based on the conclusion that petitioner's other conviction (under 18 U.S.C. § 894(a)(1)) was for a "crime of violence." Petitioner now seeks resentencing in light of the Supreme Court's recent decisions in Johnson v. United States, __ U.S. __, 135 S. Ct. 2551 (2015), and Welch v. United States, 136 S. Ct. 1257 (2016). The United States does not oppose petitioner's motion. Dkt. # 5.

Accordingly, petitioner's motion to vacate, set aside, or correct his sentence is GRANTED. The Court will contact the parties to schedule resentencing.

ORDER GRANTING MOTION TO
VACATE, SET ASIDE, OR CORRECT
A SENTENCE BY A PERSON IN
FEDERAL CUSTODY - 1

DATED this 8th day of September, 2016.

Handwritten signature of Robert S. Lasnik in black ink.

Robert S. Lasnik
United States District Judge

ORDER GRANTING MOTION TO
VACATE, SET ASIDE, OR CORRECT
A SENTENCE BY A PERSON IN
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